



## **South Coast Air Quality Management District**

### **Oscar Abarca**

*Assistant Deputy Executive Officer, Public Affairs*  
South Coast Air Quality Management District

21865 Copley Drive

Diamond Bar, CA 91765

Phone: (909) 396-3242

Fax: (909) 396-3641

Email: [oabarca@aqmd.gov](mailto:oabarca@aqmd.gov)

# **Small Business Assistance Conference**

# Small Business Assistance Conference



## Environmental Justice Update

*South Coast Air Quality Management District*

Oscar Abarca, Assistant Deputy Executive Officer, Public Affairs

### Environmental Justice and Small Business Strategy




Oscar Abarca  
Assistant Deputy Executive Officer  
South Coast Air Quality Management District

*Cleaning the Air That We Breathe...*



### History of Environmental Justice

- Work plan unanimously adopted in October 1997
- 4 Guiding Principles
- Ten Initiatives
- Town hall meetings, enhanced monitoring, community response and environmental review



### Definition

- **Environmental Justice:** Policy-making and enforcement to protect the health of all persons in the District, regardless of age, culture, ethnicity, gender, race, socioeconomic status, or geographic location.



### Principles of Environmental Justice

- All residents have the right to live and work in clean air
- Government is obligated to protect the public health
- Public and private sectors have the right to be informed and to participate in regulations in their communities
- AQMD expects both sectors to contribute to a healthy economy and a livable environment

### Intent of Environmental Justice

- Environmental Justice will create a more aware public that is sensitized to air quality issues.
- A better informed public can become more active in helping to improve the quality of air in our district.



### Public Notification of Enhancements

Typical outreach strategies to community residents included:

- Cable television and e-mail
- Telephone contacts from our databases
- Large announcement signs in communities
- Invitations to business, media, local government
- Door to door canvassing
- Advertising in local, daily and weekly newspapers
- Community, business, environmental group partnerships
- School and church distribution



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### 23 Enhancements

#### Category I:

Further-Reduced  
Health Risks  
(6 Enhancements)

#### Category II:

Greater Community Access &  
Involvement  
(15 Enhancements)

*Environmental Justice Program*

#### Category III:

Economic Incentives for Accelerated Mitigation  
(2 Enhancements)

### Opportunities for Involvement

- Town Hall Meetings
- Clean Air Congress
- Neighborhood Council
- Community Breakfast Forums
- Business Forums
- Clean Air Awards



### Key EJ Enhancements for Small Businesses

- Improving availability of information on "hot spots."
- Posting Notices to Comply and Notices of Violation.
- Development of a handbook in multiple languages.

### Conclusion

- Healthy Economy
- + Healthy Community
- = Clean Air for All



### Benefits of Embracing EJ

- Businesses that ensure compliance can boost community goodwill.
- Businesses will be seen as protecting the health of workers and residents.



## **Governor's Office of Planning and Research**

**Sandra Salazar-Thompson**

*Director of Environmental Justice*

Governor's Office of Planning and Research

1400 Tenth Street

P.O. Box 3044

Sacramento, CA 95812-3044

Phone: (916) 324-6660

Fax: (916) 323-2675

Email: [sandra.salazar-thompson@opr.ca.gov](mailto:sandra.salazar-thompson@opr.ca.gov)



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## Environmental Justice Update

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### Environmental Justice Matters!!!



### Some Federal Authorities That Can Be Used in Furtherance of EJ

- Executive Order 12896 (1994)
- Title VI of the 1964 Civil Rights Act
- US Clean Water Act
- US Clean Air Act
- National Environmental Policy Act
- Resource Conservation & Recovery Act



The Small Business Assistance Conference  
October 21, 2002  
Diamond Bar, California

Presented by:  
Sandra Salazar-Thompson  
Governor's Office of Planning & Research

### State Authorities That Can Be Used in Furtherance of EJ



- California Environmental Quality Act (CEQA)

### Environmental Justice Defined

Environmental Justice (EJ) is the fair treatment of

- |                 |                |
|-----------------|----------------|
| Environment     | Transportation |
| Health          | Jobs           |
| Quality of Life | Equity         |

### OPR's Role in EJ

Per Senate Bill 115, the Governor's Office of Planning

- Over 100 different state departments and agencies
- Law specifically requires ongoing consultation with the "super-agencies"
  - Business, Transportation & Housing
  - Health & Human Services
  - Resources Agency
  - Environmental Protection Agency
- Law also requires that OPR consult regularly with Federal Agencies and interested parties

Cleaning the air that we breathe...



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## Environmental Justice Update

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### How does OPR coordinate State Agency EJ Efforts?

- ✓ Briefings for Department Directors & staff
- ✓ Training for State Agency Staff
- ✓ Identifying Models for Successful EJ Work
- ✓ Consultation regarding Policy Development
- ✓ Integration into ongoing State Agency Processes

### State Agency Policy Development

✓ October 2002

- α5 agencies have written EJ policy
- α4 agencies are now considering policies

### Which Agencies Need to Consider EJ?

If state agencies do any of the following, the probability

- Make or fund land use decisions
- Make permitting decisions
- Write or produce regulations
- Interact with the public on issues
- Provide funding for activities
- Make discretionary decisions or take actions

### State Agencies with EJ Policies

- ✓ California Environmental Protection Agency
- ✓ Air Resources Board
- ✓ CalFED Bay-Delta Program
- ✓ Department of Transportation
- ✓ State Lands Commission

### Current Areas of OPR's Efforts

- ✓ State Agency Policy Development
- ✓ General Plan Guidelines
- ✓ Environmental Goals and Policy Report (EGPR)



### State Agencies with EJ Policies in Development:



- ✓ Department of Toxic Substances Control
- ✓ California Conservation Corps
- ✓ Department of Water Resources



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### Common Elements of State Agency EJ Policies

- ✓ Access to Information
- ✓ Public Participation
- ✓ Examination of Legal Framework
- ✓ Identification of Data Gaps
- ✓ Mitigation Strategies
- ✓ Employee Training

### EJ Considered in General Plans

- ✓ AB1553 requires OPR by July 1, 2003 to adopt guidelines for addressing EJ matters in city and county general plans.
- ✓ Guidelines will address such matters as equitable distribution of new public facilities and services & promotion of more livable communities by expanding opportunities for transit-oriented development.

### Local General Plans

- ✓ Existing law requires OPR to adopt guidelines for preparation and content of the mandatory elements required in city and county general plans.
- ✓ OPR now updating the 1998 General Plan Guidelines

### Timeline for Update of Local General Plans Guidelines

- ✓ Draft guidelines are now available.
- ✓ A 60-day public review period will be held, ending November 16, 2002
- ✓ At least one public hearing will be held on the draft guidelines prior to their adoption in 2003

### Update of General Plan Guidelines

- ✓ Improved public participation
- ✓ How to prepare comprehensive updates to a general plan
- ✓ Element consolidation and integration
- ✓ Implementation, monitoring and reporting
- ✓ Water supply & water quality
- ✓ Optional energy planning element

### Environmental Goals and Policy Report

- ✓ Required since 1978
- ✓ Sets out broad goals, policies and decisions of state government related to statewide growth and development and preservation of environmental quality
- Provides guidance for:
  - potential legislation action
  - all levels of governments
  - state functional plans
  - allocation of state resources

Government Code § 65041-65049





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#### EGPR Development Will Include

- ✓ Public Participation via Advisory Bodies
- ✓ Briefings for the public

#### How to Reach OPR

(916) 322-2318

[www.opr.ca.gov](http://www.opr.ca.gov)

#### Environmental Justice Matters!!!





## California Environmental Protection Agency

### ***Romel Pascual***

*Assistant Secretary for Environmental Justice*  
Office of the Secretary

California Environmental Protection Agency

1001 I Street

PO Box 2815

Sacramento, CA 95812

Phone: (916) 324-8425

Fax: (916) 319-7849

Email: [rpascual@calepa.ca.gov](mailto:rpascual@calepa.ca.gov)

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## Environmental Justice Update

*California Environmental Protection Agency*

Romel Pascual, Assistant Secretary for Environmental Justice

### Environmental Justice Presentation Small Business Assistance Conference

ROMEL PASCUAL

Assistant Secretary  
for Environmental Justice, Cal/EPA  
(916) 324-8425

[Rpascual@calepa.ca.gov](mailto:Rpascual@calepa.ca.gov)

[www.calepa.ca.gov/envjustice](http://www.calepa.ca.gov/envjustice)

October 21, 2002

### What is Environmental Justice?

It includes – Social, Built  
and Natural Environment

- A social movement  
rooted in struggles for  
Civil Rights of the poor  
and people of color
- Redefines of how we  
think about the  
Environment

State Definition: (Gov. Code  
65040.12)

“Fair treatment of  
people of all races,  
cultures, and incomes  
with respect to the  
development, adoption,  
implementation, and  
enforcement of  
environmental laws and  
policies”

### What will the Presentation cover?

- ✓ Brief Overview of Cal/EPA
- ✓ History of EJ in California  
Legislation
- ✓ EJ Legislative Obligations
- ✓ EJ in the Siting Context
- ✓ EJ and Public Participation
- ✓ Future Challenges and  
Opportunities

### A Brief History – Setting The Context

#### EJ Movement Milestones:

- 1982 – Warren County, NC – PCB Dumping
- 1987 – Landmark Study- “Toxics Waste and Race”  
by UCC Commission for Racial Justice
- 1991 – 1<sup>st</sup> National People of Color Environmental  
Leadership Summit – Wash. D.C
- 1992 – Nat'l Law Journal Enforcement Study
- 1992 – EPA Office of Environmental Justice
- 1994 – Clinton signed Executive Order 12898
- 1999/2000 – California passes EJ Legislation (SB  
115, and SB 89)

### About Cal/EPA

- Formed in 1991 as single Cabinet-level  
agency
- Consists of 6 boards, departments, and  
office under the umbrella of the Office of the  
Secretary
- The Secretary has statutory responsibilities  
to coordinate and supervise the overall  
performance of the Agency – providing vision  
and leadership on the goals of the  
Administration
- Cal/EPA given the responsibility for  
coordinating issues which cross jurisdictional  
lines

### Policy Makers Response: Federal Government

- EXECUTIVE ORDER 12898 (1994):  
Directs all agencies to make EJ a  
priority
- National Environmental Justice Advisory  
Council (NEJAC) – Federal Advisory  
Committee (1995)
- EJ Guidance in the National  
Environmental Protection Act (NEPA)  
1996
- National EJ Grants Programs (1996)
- Title VI Guidance (1998)



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### EJ not a new concept for CA

#### Past legislative attempts

AB 937 (1991) - Demographic data in the Permit Streamlining Act on high impact projects (no data = not approved)

AB 3024 (1992) - Similar to AB 937 - except that separate demographic information not required if already in an EIR or another public document filed with the permit application

SB 451 - Integrate EJ into the land use element of the general plan - Avoided concentration of waste facilities near residential areas & schools

SB 1113 (1997) - Amendments to CEQA to include identification and mitigation of adverse effects on minority and low-income populations

AB 2237 (1998) - Directed certain loans and grants to ameliorate high and adverse effects on human health and the environment

### SB 89 (Chapter 725, Statutes of 2000)

#### Interagency Working Group on EJ:

- ✓ Examine existing data/studies
- ✓ Recommend criteria to address gaps in existing programs, policies, or activities
- ✓ Guidance on the Development and Implementation of an Interagency EJ Strategy

#### Advisory Committee to recommend and advise IWG

- ✓ 13 Members - Multi-stakeholder Group

### Policy Makers Response: California

- **SB 115:** Defined EJ for the State, mandates Cal/EPA agencies to develop mission statement and strategy
- **SB 89:** Develops Interagency Working Group and EJ Advisory Committee

### Cal/EPA Environmental Justice Strategic Vision Goal

- Published in July 2000, the Cal/EPA's Strategic Vision Document sets forth a roadmap for environmental protection in California
  - EJ Goal: "Reducing or eliminating the disproportionate impacts of pollution on low-income and minority populations."
- Each Board, Department and Office incorporated EJ into their Strategic Plan
  - ARB EJ Policies and Actions
  - DTSC Draft EJ Policy

### SB 115 (Chapter 690, Statutes of 1999)

Public Resources Code 71110: tells Cal/EPA to:

- ✓ Conduct its programs, policies and activities in a manner that ensures fair treatment of people of all races, cultures, and income levels, including minority populations and low income populations
- ✓ Promote equal enforcement
- ✓ Ensure greater public participation
- ✓ Improve research and data collection
- ✓ Coordinate with USEPA
- ✓ Identify differential patterns of natural resources

### Cal/EPA EJ Mission Statement

To accord the highest respect and value to every individual and community, the California Environmental Protection Agency and its Boards, Departments and Offices shall conduct their public health and environmental protection programs, policies and activities in a manner that is designed to promote equality and afford fair treatment, full access and full protection to all Californians, including low income and minority populations.



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*California Environmental Protection Agency*

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### Agency Secretary Commitment Memo to EJ (3/28/02)

Achievement of EJ through:

- Enhanced Public Participation and meaningful Public Input
- Capacity Development of all stakeholders
- EJ Opportunities in current statutes and regulations
- Strengthen research and application of existing tools – e.g. cumulative impact assessments and pollution prevention

### What We're Learning: "Quality of Life" Concerns in Siting

- LOCATIONAL** – Impact of Community's Use of Space
- NUISANCE** – Impact on the Enjoyment and Value of Property
- CULTURAL AND SOCIAL** – Impact on Community's Sense of Belonging and Security
- ECONOMIC** – Impacts on Economically Sound Resource Protection

### SB 115 (Chapter 690, Statutes of 1999)

- Defines environmental justice in statute
- Establishes the Governor's Office of Planning and Research as the coordinator among state agencies on environmental justice.
- Requires Cal/EPA and its BDOs to incorporate environmental justice elements into their missions.
- Directs Cal/EPA to develop a model environmental justice mission statement

### LOCATIONAL – Impact Considerations

- Proximity to homes, schools, parks, etc.
- Environmental Exposure to hazardous substances – air, water, soil, food
- Potential for Accidental releases
- Transportation Impacts
  - routes – proximity to sensitive areas (i.e. schools)
  - Increase in truck traffic – exhaust from idling trucks

### ENVIRONMENTAL JUSTICE AND SITING

Environmental justice issues arise when issues related to quality of life are not taken into account in decision-making processes.

"Quality of Life" issues are difficult to define and measure, but are critically important to communities.

### NUISANCE – Impact Considerations

- Noise and Odors affecting:
  - Outdoor activities
  - Development of neighboring properties
  - Land and property values
  - Air emissions
  - Overall look of neighborhood for the worse





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### **CULTURAL AND SOCIAL** – Impact Considerations

- Community use of land for social and cultural purposes
  - Garden in the area or fish in nearby streams
  - Subsistence fishing
  - Impacts on sacred sites or historical structures

### Changing Demographics in the State (People of color = 53.3%)

- Latinos: 32.4%
- Asian/Pacific Islanders: 11.1%
- African Americans: 6.4%
- Native American/Alaska Native: .5%
- Multiracial/Other: 2.9%

### **ECONOMIC** – Impact Considerations

- De-valuation of resident's investment in their community
- Local job creation vs. residents' job skills
- Job displacement as a result of new facility
- Who economically benefits? – community or outside the community

### Changing Demographics in the State

- At least 25.9% of the State are born outside the U.S. (2000)
  - Asia: 34%
  - Mexico/Latin America: 54.8%
- In 1990, 35% of all Bay Area households spoke a language other than English at home
  - 9.3% spoke Spanish
  - 9.2% spoke an Asian language

### **Environmental Justice and Public Participation**

### Common Public Participation Model

- **DECIDE**
- **ANNOUNCE**
- **DEFEND**

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### What an EJ participation model suggests:

- Outreach and involve communities early and ongoing
- Commit and provide resources to communities
- Listen to communities most impacted
- Greater commitment to the above

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### Addressing Community Concerns

- ✓ Encourage community involvement at all levels of policy making

#### **Community Capacity Building**

- ✓ Ensure that policy or programs which affects communities nurtures community based leadership.

#### **Technical Assistance and Technical Tools**

- ✓ Utilize institutional mechanisms or tools which responds to community concerns

#### **Short term and Long term Policy Implications**

- ✓ Explore resources to respond to community's immediate concerns
- ✓ Analyze long term implications or effects of policy

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### Future Opportunities

- As Cal/EPA embarks to further address EJ, we hope to examine:
  - Research and Data Collection on Cumulative Impacts
  - Assessing and Developing Protocol to identify and analyze EJ concerns
  - Investment in the capacity-building of communities
  - Utilize innovative approaches such as pollution prevention to address EJ
  - Develop meaningful mechanisms to ensure public involvement at all levels of decision-making

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